

REMARKS

This paper is filed in response to the Office Action mailed September 29, 2009.

Claims 1-25 are pending in this application. Claims 23-25 were rejected under 35 U.S.C. § 101 as allegedly being directed to unpatentable subject matter. Claims 12-22 were rejected under 35 U.S.C. § 102(e) to U.S. Patent No. 6,954,899 to Anderson (“Anderson”). Claims 1-11 and 23-25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,819,312 to Fish (“Fish”) in view of U.S. Patent No. 6,084,587 to Tarr et al (“Tarr”) and further in view of Anderson.

Applicant has amended claims 1, 16, and 23. No new matter is added by these amendments, and support may be found in the specification and claims as originally filed.

Applicant traverses each of the Examiner’s rejections and respectfully requests reconsideration and allowance of all claims in view of the remarks below.

I. Information Disclosure Statement

Applicant submitted U.S. Patent No. 5,565,840 to Thorner (“Thorner”), along with several other references, in an Information Disclosure Statement filed on September 29, 2004. In the subsequent Office Action, the Examiner indicated that all references in the September 29, 2004 IDS had been considered with the exception of Thorner. Applicant respectfully requests the Examiner consider Thorner and indicate that it has been considered by initialing the reference on the submitted SB-08a form.

II. § 101 – Claims 23-25

Applicant respectfully traverses the rejection of claims 23-25 as allegedly being directed to unpatentable subject matter.

To be eligible for patent protection, a claim must be directed to a “new and useful process, machine, manufacture, or composition of matter.”¹

In rejecting claims 23-25, the Examiner has alleged that the term “computer-readable medium” used in claims 23-25 is broadly defined in the present specification to

¹ 35 U.S.C. § 101 (2007).

include “all optical media” and “other magnetic media.” The Examiner has alleged that such media can be interpreted to include “light wave[s], or any other type of electromagnetic energy wave,” which are not eligible for patent protection in view of the Federal Circuit’s decision in In re Nuijten.² However, one of skill in the art would have understood that a “media” is a tangible article. For example, “media” is defined as “[t]he physical material, such as paper, disk, and tape, used for storing computer-based information.”³ Thus, the term “computer readable medium” only includes physical media, not intangible waves. Therefore, claims 23-25 are directed to patentable subject matter. Applicant respectfully requests the Examiner withdraw the rejection of claims 23-25.

III. § 102(b) – Anderson – Claims 12-22

Applicant respectfully traverses the rejection of claims 12-22 under 35 U.S.C. § 102(e) as allegedly being anticipated by Anderson.

To anticipate a claim under 35 U.S.C. § 102(e), a reference must disclose each and every element of the claimed invention.⁴

Because Anderson does not disclose “wherein the haptic effect comprises a plurality of detents defining: a first primary channel defined along a first axis, a second primary channel defined along a second axis, a first secondary channel proximate to the first primary channel, and a second secondary channel proximate to the second primary channel” as recited in claim 16, Anderson does not anticipate claim 16.

Anderson discloses using haptic effects to indicate boundaries of a control region, where the control region is a line (1-D), a rectangle (2-D), or a box (3-D). However, these control regions do not define a plurality of channels. The 2-D “control zone” described by Anderson describes a region surrounded by haptic borders, not multiple channels along different axes. Similarly, the 3-D “control zone” describes a volume surrounded by haptic borders, but not multiple channels along different axes. Finally, while Anderson generally describes a 1-D channel, it does not disclose a configuration of

² 500 F.3d 1346 (Fed. Cir. 2007).

³ Microsoft Computer Dictionary, p. 301. Microsoft Press (1997).

⁴ M.P.E.P. § 2131.

multiple channels as recited in claim 16. Thus, Anderson does not anticipate claim 16. Applicant respectfully requests the Examiner withdraw the rejection of claim 16.

Because claims 12-15 and 17-22 depend from and further limit claim 16, claims 12-15 and 17-22 are each patentable over Anderson. Applicant respectfully requests the Examiner withdraw the rejection of claims 12-15 and 17-22.

IV. § 103(a) – Fish in view of Tarr and Anderson – Claims 1-11 and 23-25

Applicant respectfully traverses the rejection of claims 1-11 and 23-25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fish in view of Tarr and Anderson.

To establish *prima facie* obviousness of a claimed invention under 35 U.S.C. § 103, the Office Action must show, either from the references themselves or in the knowledge generally available to one of ordinary skill in the art, that the cited references disclose or suggest each claimed element.⁵

Because Fish in view of Tarr and Anderson does not disclose or suggest “defining a first cell, the first cell comprising a first parameter representing a first haptic effect configured to guide a movement of an interface device” as recited in amended claim 1, amended claim 1 is patentable over the combined references.

As the Examiner admits, Fish in view of Tarr does not disclose or suggest a manipulatable object of an interface device.⁶ The Examiner argues, based on Anderson, that a scroll bar displayed on a screen is a user manipulatable object of an interface device.⁷ However, the pending claims, as amended, are directed to guiding a movement of the interface device itself, which does not include a cursor or other displayed virtual object. Therefore, because the combined references do not teach or disclose “a first haptic effect configured to guide a movement of an interface device” as recited in amended claim 1, claim 1 is patentable over Fish in view of Tarr and Anderson. Applicant respectfully requests the Examiner withdraw the rejection of claim 1.

Because claims 2-11, 24 and 25 each depend from and further limit one of claim 1 or 23, claims 2-11, 24, and 25 are each patentable over Fish in view of Tarr and Anderson

⁵ See MPEP §§ 2141 and 2143; *Graham v. John Deere Co.*, 383 U.S. 1 (1966); *KSR Int’l Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d at 1395-96. *Graham v. John Deere Co.*, 383 U.S. 1 (1966); *KSR Int’l Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d at 1395-96.

⁶ See Office Action, p. 10.

⁷ *Id.*

for at least the same reasons. Applicant respectfully requests the Examiner withdraw the rejection of claims 2-11, 24, and 25.

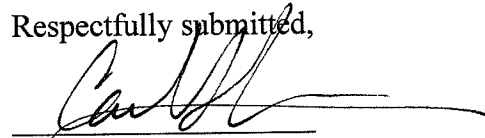
CONCLUSION

Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Date: December 21, 2009

Respectfully submitted,



Carl Sanders
Reg. No. 57,203

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 607-7474 (voice)
(336) 734-2629 (fax)